REMARKS/ARGUMENTS

Status of the Claims

Claims 38, 40-42, 44, and 47-49 are currently pending in the application. No claims have been amended. No claims have been added. No claims have been cancelled. Therefore, claims 38, 40-42, 44, 47-49 are present for examination. Claims 38, 47, 48, and 49 are independent claims.

Rejection under 35 U.S.C. § 103, Yamamoto in view of Malcolm

Claims 38, 41 and 47-49 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,311,151 B1 issued to Yamamoto et al. ("**Yamamoto**") in view of U.S. Patent No. 5,416,903 issued to Malcolm ("**Malcolm**").

In the response to the arguments section of the Office Action, the Examiner indicates that the term "concurrently" is vague or ambiguous. Applicants respectfully disagree with the Examiner, and assert that "concurrently" simply and clearly means that one action is performed "at the same time" as another action. In the case of claim 38, as well as claims 47-49, the actions being performed "at the same time" as each other are development of the source code and translation. Furthermore, Applicants direct the Examiner to Webster's dictionary which defines concurrently as "operating or occurring at the same time." In addition, the Specification refers to development of the source code concurrently (or at the same time) as translation (see at least the Specification at page 1, lines 5-6, page 1, lines 20-22, and page 6, lines 16-20).

Furthermore, the Examiner assets in the response to arguments section at page 9 that Yamamoto discloses that "if the testing phase reveals programming errors, then the software product is shipped back for any necessary retranslation." Applicants respectfully submit that, at least based on this quoted section of Yamamoto, Yamamoto specifically discloses a system that does not translate at the same time as development of *source code*. As pointed out by the Examiner, Yamamoto tests the software (which is specifically not source code), finds errors, and then ships the software product (again not source code) back for retranslation. Applicants submit that retranslating a software product after errors have been found is not the same as translating

concurrently with development of source code, as in claim 38. Yamamoto explicitly discloses retranslation of a software program and not concurrent translation while developing source code.

In addition, the Examiner asserts in the response to arguments section at page 10 that "it would be rather confusing to the overall development of a software product if the translator were modifying the source text at the same time as the translation" and that "it would be beyond the expertise of the translator to modify the source text." Applicants respectfully disagree with the Examiner's assertion. The programmer may also be the translator, or the programmer and the translator may be working side-by-side with each other, or any number of additional situations may occur. Nonetheless, Applicants believe that such a discussion is inconsequential to the patentability of the present claims. However, since the Examiner is asserting that the method and systems recited in the present claims (namely concurrent translation and development) would be confusing, Applicants submit that the Examiner by implication is conceding that the prior art of record fails to teach or suggest such a method or system. In other words, the questions should be asked, according to the Examiner's assertion, if the present claim's methods and systems would provide a confusing development environment, why would Yamamoto or Malcolm teach or suggest such a supposedly confusing method or system. However, Applicants disagree that the methods and systems of the present claims would provide a confusing development environment, but instead that such an environment would provide a novel and streamlined development environment.

Thus, for at least these reasons and additionally the reasons stated in the response to the Office Action mailed March 18, 2008, claim 38 is believed to be allowable over Yamamoto in view of Malcolm. Independent claims 47-49 recite similar elements to some of those described above with respect to claim 38, and therefore are believed to be allowable for at least similar reasons.

Dependent claims 40-42 and 44 depend from claim 38 and therefore are believed to be allowable over Yamamoto in view of Malcolm at least by virtue of their dependence from allowable base claims.

Rejection under 35 U.S.C. § 103

Claim 40 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of Malcolm, and further in view of U.S. Patent No. 6,598,015 B1 issued to Peterson et al. ("**Peterson**").

Dependent claim 40 depends from claim 38. As noted above, claim 38 is allowable over Yamamoto in view of Malcolm, and it is believed that Peterson does not remedy the failings of Yamamoto and Malcolm noted above. Hence, claim 40 is believed to be allowable, at least by virtue of its dependence from allowable base claims over Yamamoto, Malcolm, and Peterson, individually, or when combined in any combination.

Claims 42 and 44 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of Malcolm, as applied to claims 38 and 41, and further in view of U.S. Patent No. 6,526,426 B1 issued to Lakritz ("**Lakritz**").

Dependent claims 42 and 44 depend from claim 38. As noted above, claim 38 is allowable over Yamamoto in view of Malcolm, and it is believed that Lakritz does not remedy the failings of Yamamoto and Malcolm noted above. Hence, claims 42 and 44 are believed to be allowable, at least by virtue of its dependence from allowable base claims over Yamamoto, Malcolm, and Lakritz, individually, or when combined in any combination.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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